

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**24 MAG 2634**

UNITED STATES OF AMERICA

v.

JOHNNY NUNEZ,

Defendant.

**SEALED COMPLAINT**

Violation of 18 U.S.C. §§ 751(a) and  
4082(a)

COUNTY OF OFFENSE:  
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

JACEK KWIATKOWSKI, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshals Service (“USMS”), and charges as follows:

**COUNT ONE**  
**(Escape from Custody)**

1. On or about September 11, 2023, in the Southern District of New York and elsewhere, JOHNNY NUNEZ, the defendant, knowingly escaped and attempted to escape from the custody of the Attorney General and his authorized representative, and from an institution and facility in which he was confined by direction of the Attorney General, and from custody under and by virtue of process issued under the laws of the United States by a court, judge, and magistrate judge, and from the custody of an officer and employee of the United States pursuant to lawful arrest, which custody and confinement was by virtue of an arrest on a charge of felony, and conviction of an offense, to wit, NUNEZ, while in custody of the Bronx Residential Re-Entry Center (“Bronx RRC”), following a conviction in the United States District Court for the Southern District of New York for possession of a firearm in a school zone, in violation of 18 U.S.C. § 922(q), and conspiracy to distribute and possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846, left the Bronx RRC, located at 2534 Creston Avenue in the Bronx, New York, without authorization and failed to return as required.

(Title 18, United States Code, Sections 751(a) and 4082(a).)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Deputy United States Marshal with the USMS and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, as well as on my conversations with other law enforcement officers and witnesses, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. Based on my review of court records and the criminal history of JOHNNY NUNEZ, the defendant, I have learned, among other things, that in or about 2021, NUNEZ was convicted in the United States District Court for the Southern District of New York for possession of a firearm in a school zone, in violation of 18 U.S.C. § 922(q), and conspiracy to distribute and possess with intent to distribute marijuana, in violation of 21 U.S.C. § 846. In connection with that conviction, on or about November 15, 2021, United States District Judge Edgardo Ramos sentenced NUNEZ to 60 months' imprisonment in the custody of the Federal Bureau of Prisons the ("BOP"). NUNEZ's sentence of imprisonment has not been completed.

4. Based on my personal involvement in this investigation, my review of documents and reports from the BOP and the Bronx RRC, and my discussion with other law enforcement officers and Bronx RRC employees, I have learned, among other things, the following:

a. On or about April 25, 2023, JOHNNY NUNEZ, the defendant, was transferred from the Federal Correctional Institution in Cumberland, Maryland to the Bronx RRC, where he was to serve the remainder of his sentence. On or about April 26, 2023, NUNEZ signed the Bronx RRC Intake and Orientation Checklist acknowledging that NUNEZ was provided an explanation of the Bronx RRC Resident Handbook (the "Handbook"), which indicates that residents may be placed on escape if he or she fails to return to the facility at his or her scheduled time. The Handbook also indicates that a resident may be considered an escapee if he or she is arrested for a violation of any city, county, state, or federal law.

b. On or about September 11, 2023, NUNEZ walked out of the Bronx RRC without authorization and willingly failed to return. At the time, NUNEZ had not yet completed his sentence.

c. On or about March 5, 2024, NUNEZ was arrested in the Bronx on charges of, among other things, attempting to obtain transportation without paying and criminal possession of a weapon in the third and fourth degrees. On or about March 18, 2024, he was remanded to the custody of USMS and is now completing his sentence.

[continued on next page]

WHEREFORE, I respectfully request that JOHNNY NUNEZ, the defendant, be arrested and imprisoned or bailed, as the case may be.

S/ by the Court with permission

JACEK KWIATKOWSKI  
Deputy United States Marshal  
United States Marshals Service

Sworn to before me this 18th day of July, 2024.



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THE HONORABLE ROBERT LEHRBURGER  
United States Magistrate Judge  
Southern District of New York